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Oceans and the law of the sea: sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Austria, Belize, Brazil, Canada, Cyprus, Czech Republic, Denmark, Finland, Germany, Iceland, Ireland, Malta, Monaco, Namibia, Netherlands, New Zealand, Norway, Palau, Philippines, Poland, Portugal, Spain, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

The General Assembly,

Reaffirming its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994, 50/25 of 5 December 1995 and 57/142 of 12 December 2002, as well as other resolutions on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments, and its resolutions 56/13 of 28 November 2001 and 57/143 of 12 December 2002 on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Agreement"),[1] 58/14 of 24 November 2003 and 59/25 of 17 November 2004 on sustainable fisheries, including through the 1995

[1] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. I; see also A/CONF.164/37.

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Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments,

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea ("the Convention"),[2] and bearing in mind the relationship between the Convention and the Agreement,

Recognizing that, in accordance with the Convention, the Agreement sets forth provisions concerning the conservation and management of straddling fish stocks and highly migratory fish stocks, including provisions on compliance and enforcement by the flag State and subregional and regional cooperation in enforcement, binding dispute settlement and the rights and obligations of States in authorizing the use of vessels flying their flags for fishing on the high seas, and specific provisions to address the requirements of developing States in relation to conservation and management of straddling fish stocks and highly migratory fish stocks and development of fisheries for such stocks,

Noting that the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations ("the Code")[3] and its associated international plans of action set out principles and global standards of behaviour for responsible practices for conservation of fisheries resources and management and development of fisheries,

Noting with concern that effective management of marine capture fisheries has been made difficult in some areas by unreliable information and data caused by unreported and misreported fish catch and fishing effort and the contribution this lack of data makes to continued overfishing in some areas,

Noting with satisfaction the recently adopted Food and Agriculture Organization of the United Nations Strategy for Improving Information on Status and Trends of Capture Fisheries,[4] and recognizing that the long-term improvement of knowledge and understanding of fishery status and trends is a fundamental basis for fisheries policy and management for implementing the Code,

Recognizing the need to implement, as a matter of priority, the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[5] in relation to achieving sustainable fisheries, including the objective to maintain or restore stocks to levels that can produce the maximum

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[2] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).

[3] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. III.

[4] Food and Agriculture Organization of the United Nations, *Report of the twenty-fifth session of the Committee on Fisheries, Rome, 24-28 February 2003*, FAO Fisheries Report No. 702 (FIPL/R702(En)), appendix H.

[5] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015,

Recognizing also the significant contribution of sustainable fisheries to food security, income and wealth for present and future generations,

Deploring the fact that fish stocks, including straddling fish stocks and highly migratory fish stocks, in many parts of the world are overfished or subject to sparsely regulated and heavy fishing efforts, as a result of, inter alia, unauthorized fishing, inadequate flag State control and enforcement, including monitoring, control and surveillance measures, inadequate regulatory measures, harmful fisheries subsidies and overcapacity,

Concerned that illegal, unreported and unregulated fishing threatens seriously to deplete certain fish stocks and to significantly damage marine habitats and ecosystems, to the detriment of sustainable fisheries as well as the food security and the economies of many States, particularly developing States,

Welcoming the outcomes of the twenty-sixth session of the Food and Agriculture Organization of the United Nations Committee on Fisheries, held from 5 to 11 March 2005,

Welcoming also the Rome Ministerial Declaration on Illegal, Unreported and Unregulated Fishing adopted by the Ministerial Meeting on Fisheries of the Food and Agriculture Organization of the United Nations on 12 March 2005,[6] which renewed the resolve of the international community to prevent, deter and eliminate illegal, unreported and unregulated fishing,

Welcoming further the 2005 Rome Declaration on Fisheries and the Tsunami adopted by the Ministerial Meeting on 12 March 2005, which addressed the issue of rehabilitation in relation to the tsunami disaster,

Noting the efforts of the International Labour Organization in relation to work in the fishing sector,

Recognizing that the interrelationship between ocean activities, such as shipping and fishing, and environmental issues needs further consideration,

Concerned that marine pollution from all sources, including vessels and in particular land-based sources, constitutes a serious threat to human health and safety, endangers fish stocks, marine biodiversity and marine habitats and has significant costs to local and national economies,

Recognizing that marine debris is a global transboundary pollution problem and that due to the many different types and sources of marine debris different approaches to their prevention and removal are necessary,

Recognizing also the need for appropriate measures to address lost or abandoned gear, including catches by derelict fishing gear, which adversely affect inter alia fish stocks and habitats,

Noting that the contribution of sustainable aquaculture to global fish supplies continues to respond to opportunities in developing countries to enhance local food

[6] The 2005 Rome Declaration on Illegal, Unreported, and Unregulated Fishing of 12 March 2005, adopted by the Ministerial Meeting on Fisheries of the Food and Agriculture Organization of the United Nations, Rome, 12 March 2005.

security and poverty alleviation, and together with efforts of other aquaculture producing countries will make a significant contribution to meeting future demands in fish consumption, bearing in mind article 9 of the Code,

Calling attention to the circumstances affecting fisheries in many developing States, in particular African States and small island developing States, and recognizing the urgent need for capacity-building, including transfer of marine technology, to assist such States in meeting their obligations and exercising their rights under international instruments, in order to realize the benefits from fisheries resources,

Noting the obligation of all States, pursuant to the provisions of the Convention, to cooperate in the conservation and management of straddling fish stocks and highly migratory fish stocks, and recognizing the importance of coordination and cooperation at the global, regional, subregional as well as national levels in the areas, inter alia, of data collection, information-sharing, capacity-building and training for the conservation, management and sustainable development of marine living resources,

Recognizing the duty provided in the Convention, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas ("the Compliance Agreement"),[7] the Agreement and the Code for flag States to exercise effective control over fishing vessels flying their flag and vessels flying their flag which provide support to such vessels, and to ensure that the activities of such vessels do not undermine the effectiveness of conservation and management measures taken in accordance with international law and adopted at the national, subregional, regional or global levels,

Recognizing also the urgent need for action at all levels to ensure the long-term sustainable use and management of fisheries resources through the wide application of a precautionary approach, and through appropriate measures to reduce waste, discards and other factors, which adversely affect fish stocks,

Recognizing further the economic and cultural importance of sharks in many countries, the biological importance of sharks in the marine ecosystem, the vulnerability of certain shark species to over-exploitation and the need for measures to promote the long-term sustainability of shark populations and fisheries, and the relevance of the 1999 Food and Agriculture Organization of the United Nations International Plan of Action for the Conservation and Management of Sharks in providing development guidance of such measures,

Reaffirming its support for the initiative of the Food and Agriculture Organization of the United Nations and relevant regional and subregional fisheries management organizations and arrangements on the conservation and management of sharks, while noting with concern that only a small number of countries have implemented the 1999 Food and Agriculture Organization of the United Nations International Plan of Action for the Conservation and Management of Sharks,

Welcoming the Ministerial Declaration of the "Conference on the Governance of High Seas Fisheries and the United Nations Fish Agreement — Moving from Words to Action", held in St. John's Canada, from 1 to 5 May 2005, acknowledging

[7] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. II.

that it is an initiative to improve high seas fisheries governance, including effective implementation of the Agreement,

Noting with satisfaction the outcomes of the fourth round of informal consultations of States parties to the Agreement, held in New York from 31 May to 3 June 2005,

Taking note with appreciation of the report of the Secretary-General on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments",* in particular its useful role in gathering and disseminating information on or relating to the sustainable development of the world's marine living resources,

Expressing concern that the practice of large-scale pelagic drift-net fishing remains a threat to marine living resources, although the incidence of this practice has continued to be low in most regions of the world's oceans and seas,

Emphasizing that efforts should be made to ensure that the implementation of resolution 46/215 in some parts of the world does not result in the transfer to other parts of the world of drift-nets that contravene the resolution,

Expressing concern over reports of continued losses of seabirds, particularly albatrosses and petrels, as well as other marine species, including sharks, fin-fish species and marine turtles, as a result of incidental mortality in fishing operations, particularly longline fishing, and other activities, while recognizing considerable efforts to reduce by-catch in longline fishing through various regional fisheries management organizations and arrangements,

Recognizing the endorsement of the Guidelines to Reduce Sea Turtle Mortality in Fishing Operations by the Food and Agriculture Organization of the United Nations Committee on Fisheries at its twenty-sixth session, held from 5 to 11 March 2005,

Welcoming the fact that a growing number of States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, as well as regional and subregional fisheries management organizations and arrangements, have taken measures, as appropriate, towards the implementation of the provisions of the Agreement,

I. Achieving sustainable fisheries

1. *Reaffirms* the importance it attaches to the long-term conservation, management and sustainable use of the marine living resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the Convention, in particular the provisions on cooperation set out in Part V and Part VII, section 2, of the Convention, and where applicable, the Agreement;

2. *Emphasizes* the obligations of flag States to discharge their responsibilities, in accordance with the Convention and the Agreement, to ensure

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compliance by vessels flying their flag with the conservation and management measures adopted and in force with respect to fisheries resources on the high seas,

3. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, taking into account the relationship between the Convention and the Agreement;

4. *Calls upon* all States, directly or through regional fisheries management organizations and arrangements, to apply, in accordance with international law, the precautionary approach and an ecosystem approach widely to the conservation, management and exploitation of fish stocks, including straddling fish stocks and highly migratory fish stocks, and also calls upon States parties to the Agreement to implement fully the provisions of article 6 of the Agreement as a matter of priority;

5. *Welcomes and encourages* the work of the Food and Agriculture Organization of the United Nations and its Committee on Fisheries, in particular the recent call to effectively implement the various instruments already developed to ensure responsible fisheries;

6. *Urges* States to eliminate barriers to trade, including tariff peaks, high tariffs and non-tariff barriers and measures which are not consistent with their obligations under the World Trade Organization agreements, taking into account the importance of the trade of fisheries products, particularly for developing countries;

7. *Welcomes* the 2005 Food and Agriculture Organization of the United Nations International Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries, *acknowledges* the role of certification and ecolabelling schemes, which are to be consistent with international law, including relevant World Trade Organization agreements, and notes ongoing discussions in the World Trade Organization on such schemes;

8. *Urges* States and relevant international and national organizations to provide for participation of small-scale fishery stakeholders in related policy development and fisheries management strategies in order to achieve long-term sustainability for such fisheries, consistent with the duty to ensure the proper conservation and management of fisheries resources;

II. Implementation of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

9. *Calls upon* all States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, that have not done so to ratify or accede to the Agreement and in the interim to consider applying it provisionally;

10. *Calls upon* States parties to the Agreement to harmonize, as a matter of priority, their national legislation with the provisions of the Agreement, and to ensure that the provisions of the Agreement are effectively implemented into regional fisheries management organizations and arrangements of which they are a member;

11. *Emphasizes* the importance of those provisions of the Agreement relating to bilateral, regional and subregional cooperation in enforcement, and urges continued efforts in this regard;

12. *Encourages* States, as appropriate, to recognize that the general principles of the Agreement should also apply to discrete fish stocks in the high seas;

13. *Calls upon* all States to ensure that their vessels comply with the conservation and management measures that have been adopted by subregional and regional fisheries management organizations and arrangements in accordance with relevant provisions of the Convention and of the Agreement;

14. *Urges* States parties to the Agreement, in accordance with article 21, paragraph 4, thereof to inform, either directly or through the relevant regional or subregional fisheries management organization or arrangement, all States whose vessels fish on the high seas in the same region or subregion of the form of identification issued by those States parties to officials duly authorized to carry out boarding and inspection functions in accordance with articles 21 and 22 of the Agreement;

15. *Also urges* States parties to the Agreement, in accordance with article 21, paragraph 4, to designate an appropriate authority to receive notifications pursuant to article 21 and to give due publicity to such designation through the relevant subregional or regional fisheries management organization or arrangement;

16. *Invites* States and international financial institutions and organizations of the United Nations system to provide assistance according to Part VII of the Agreement, including, if appropriate, the development of special financial mechanisms or instruments to assist developing States, in particular the least developed among them and small island developing States, to enable them to develop their national capacity to exploit fishery resources, including developing their domestically flagged fishing fleet, value-added processing and the expansion of their economic base in the fishing industry, consistent with the duty to ensure the proper conservation and management of fisheries resources;

17. *Notes with satisfaction* that the Assistance Fund under Part VII of the Agreement has begun to operate and consider applications for assistance by developing States parties to the Agreement, and encourages States, intergovernmental organizations, international financial institutions, national institutions, non-governmental organizations and natural and juridical persons to make voluntary financial contributions to the Fund;

18. *Welcomes* the inaugural meeting at Windhoek, Namibia, from 28 to 30 September 2005 of the Scientific Committee of the South-East Atlantic Fisheries Organization and its Commission's subsequent adoption of new conservation measures for the resources that fall under its responsibility within the area of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean, and urges signatory States and other States whose vessels fish in that Convention area for fishery resources covered by that Convention to become parties to that Convention as a matter of priority and, in the interim, apply it and the measures adopted thereunder provisionally, to ensure that vessels entitled to fly their flags apply such measures;

19. *Welcomes also* the inaugural meeting in Pohnpei, Federated States of Micronesia, from 9 to 10 December 2004 of the Western and Central Pacific Fisheries Commission, and further encourages relevant States to become parties to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and, in the interim, to apply that Convention and the measures adopted thereunder to vessels entitled to fly their flags;

20. *Reaffirms* paragraph 16 of resolution 59/25 concerning the convening by the Secretary-General, pursuant to article 36 of the Agreement, of a review conference ("the review conference"), to be held in New York from 22 to 26 May 2006;

21. *Takes note* of the report of the fourth round of informal consultations of States parties to the Agreement, requests that the Secretary-General, in preparing, in cooperation with the Food and Agriculture Organization of the United Nations, the comprehensive report referred to in paragraph 17 of resolution 59/25, take into account the specific guidance proposed by the fourth round of informal consultations of States parties to the Agreement regarding the comprehensive report, and also requests that an advance unedited version of such report be made available in accordance with past practice via the Division for Ocean Affairs and the Law of the Sea website as of 16 January 2006;

22. *Invites* States parties, as well as States and entities entitled to become parties, subregional and regional fisheries management organizations and arrangements, and other intergovernmental and non-governmental organizations, to submit information and views to the review conference on matters relevant to the mandate of the review conference and which would inform its work;

23. *Recalls* paragraph 6 of its resolution 56/13, and requests the Secretary-General to convene in March 2006 a fifth round of informal consultations of States Parties to the Agreement, to serve as preparation for the review conference;

24. *Requests* the Secretary-General to prepare a draft provisional agenda and draft rules of procedure for the review conference, and circulate them at the same time as the provisional agenda, proposed by the fourth round of informal consultations of States parties to the Agreement, for the fifth round of informal consultations of States parties to the Agreement, 60 days in advance of these consultations;

25. *Requests also* the Secretary-General to invite States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, which are not parties to the Agreement, to participate fully in the fifth round of informal consultations of States parties to the Agreement on an equal footing with States parties to the Agreement, except without voting rights, and reaffirms that, in accordance with past practice, every effort will be made to adopt recommendations on the basis of consensus;

26. *Requests further* the Secretary-General to invite the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and other specialized agencies, the Commission on Sustainable Development, the World Bank, the Global Environment Facility and other relevant international financial institutions, subregional and regional fisheries management organizations and arrangements, other fisheries bodies, other relevant inter-

governmental bodies and relevant non-governmental organizations to attend the fifth round of informal consultations of States parties to the Agreement as observers;

27. *Encourages* wide participation in accordance with article 36 of the Agreement in the review conference and calls upon those States that are able to do so to become parties to the Agreement prior to the review conference;

III. Related fisheries instruments

28. *Emphasizes* the importance of the effective implementation of the provisions of the Compliance Agreement, and urges continued efforts in this regard;

29. *Calls upon* all States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have not yet become parties to that Agreement to do so as a matter of priority and, in the interim, to consider applying it provisionally;

30. *Urges* States and subregional and regional fisheries management organizations and arrangements to implement and promote the application of the Code within their areas of competence;

31. *Also urges* States to develop and implement, as a matter of priority, national and, as appropriate, regional plans of action to put into effect the international plans of action of the Food and Agriculture Organization of the United Nations;

32. *Welcomes* the adoption of the Code of Safety for Fishermen and Fishing Vessels as revised by the Food and Agriculture Organization of the United Nations, the International Labour Organization and the International Maritime Organization and encourages its effective application, and urges States to become parties to the 1993 Protocol to the Torremolinos International Convention for the Safety of Fishing Vessels;

IV. Illegal, unreported and unregulated fishing

33. *Emphasizes once again its serious concern* that illegal, unreported and unregulated fishing remains one of the greatest threats to marine ecosystems and continues to have serious and major implications for the conservation and management of ocean resources, and renews its call upon States to comply fully with all existing obligations and to combat such fishing and urgently to take all necessary steps to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations;

34. *Calls upon* States not to permit vessels flying their flag to engage in fishing on the high seas or in areas under the national jurisdiction of other States, unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, without having effective control over their activities, and to take specific measures, including deterring the reflagging of vessels by their nationals, in accordance with the relevant provisions of the Convention, the Agreement and the Compliance Agreement, to control fishing operations by vessels flying their flag;

35. *Affirms* the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation, in particular at the regional and

subregional levels, in the management of fish stocks and in combating illegal, unreported and unregulated fishing, in a manner consistent with international law, and for States and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement to collaborate in efforts to address these types of fishing activities, including, inter alia, the development and implementation of vessel monitoring systems and the listing of vessels in order to prevent illegal, unreported, and unregulated fishing activities and, where appropriate and consistent with international law, trade monitoring schemes, including to collect global catch data, through subregional and regional fisheries management organizations and arrangements;

36. *Calls upon* flag and port States to take all measures consistent with international law necessary to prevent the operation of substandard vessels and illegal, unreported and unregulated fishing activities;

37. *Urges* States to exercise effective control over their nationals and vessels flying their flag in order to prevent and deter them from engaging in illegal, unreported and unregulated fishing activities;

38. *Recalls* the request to the Secretary-General to report to the General Assembly at its sixty-first session on the study undertaken by the International Maritime Organization, in cooperation with other competent international organizations, following the invitation extended to it in resolution 58/14 and resolution 58/240 of 23 December 2003, to examine and clarify the role of the "genuine link" in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels, and the potential consequences of non-compliance with the duties and obligations of flag States prescribed in the relevant international instruments;

39. *Reaffirms* the appeal made by the Ministers of Fisheries of the Food and Agriculture Organization of the United Nations in their Declaration on Illegal, Unreported and Unregulated Fishing, adopted at the Ministerial Meeting on Fisheries of the Food and Agriculture Organization of the United Nations, held on 12 March 2005, including for further international action to eliminate illegal, unreported and unregulated fishing by vessels flying "flags of convenience" as well as to require that a "genuine link" be established between States and fishing vessels flying their flags, and calls upon States to implement the Declaration as a matter of priority;

40. *Requests* States and relevant international bodies to develop in accordance with international law more effective measures to trace fish and fishery products to enable importing States to identify fish or fisheries products caught in a manner that undermines international conservation and management measures agreed in accordance with international law, and at the same time to recognize the importance of market access, in accordance with provisions 11.2.4, 11.2.5 and 11.2.6 of the Code, for fish and fisheries products caught in a manner that is in conformity with such international measures;

41. *Encourages* further work by competent international organizations, including the Food and Agriculture Organization of the United Nations and subregional and regional fisheries management organizations and arrangements, to develop guidelines on flag State control of fishing vessels;

42. *Recognizes* the need for enhanced port State controls to combat illegal, unreported and unregulated fishing, urges States to cooperate, in particular at the regional level and through regional and subregional fisheries management organizations and arrangements, and encourages States to apply the model scheme on port State measures endorsed by the Food and Agriculture Organization of the United Nations Committee on Fisheries at its twenty-sixth session in March 2005 at the national and regional levels, promote its application through regional fisheries management organizations and arrangements and bodies and consider, when appropriate, the possibility of developing a legally binding instrument;

43. *Calls upon* all States to ensure that vessels flying their flag do not engage in trans-shipments of fish caught by fishing vessels engaged in illegal, unreported and unregulated fishing, and, individually or through regional fisheries management organizations or arrangements, to develop more effective enforcement and compliance measures to prevent and suppress such trans-shipments in accordance with international law;

44. *Urges* States, individually and through relevant regional fisheries management organizations and arrangements, to establish mandatory vessel monitoring, control and surveillance systems for fishing vessels, including the sharing of information on fisheries enforcement matters, to join the existing voluntary International Monitoring, Control and Surveillance Network for Fisheries-Related Activities and to consider the possibility, when appropriate, of transforming the Network in accordance with international law into an international unit with dedicated resources that can assist fisheries enforcement agencies;

45. *Encourages and supports* the development of a comprehensive global record within the Food and Agriculture Organization of the United Nations of fishing vessels, including refrigerated transport vessels and supply vessels, that incorporates available information on beneficial ownership, subject to confidentiality requirements in accordance with national law, and urges flag States to require that all their large-scale fishing vessels operating on the high seas be fitted with vessel monitoring systems no later than December 2008, or earlier if so decided by the flag State or any relevant regional fisheries management organization or arrangements, as called for in the Food and Agriculture Organization of the United Nations Ministerial Declaration on Illegal, Unreported and Unregulated Fishing adopted on 12 March 2005;

46. *Urges* States, individually and through regional fisheries management organizations and arrangements, to adopt and implement internationally agreed market-related measures in accordance with international law, including principles, rights and obligations established in World Trade Organization agreements, as called for in the Food and Agriculture Organization of the United Nations International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

V. Fishing overcapacity

47. *Calls upon* States and relevant regional and subregional fisheries management organizations and arrangements, as a matter of priority, to take effective measures to improve the management of fishing capacity and to implement the Food and Agriculture Organization of the United Nations International Plan of Action for the Management of Fishing Capacity, taking into account the need,

through these actions, to avoid the transfer of fishing capacity to other fisheries or areas including, but not limited to, those areas where fish stocks are overexploited or in a depleted condition;

48. *Reaffirms* the Rome Declaration on Fisheries and the Tsunami adopted by the Ministerial Meeting on Fisheries of the Food and Agriculture Organization of the United Nations, which emphasized, inter alia, the need for fisheries and aquaculture rehabilitation in the affected areas to be in line with the principles of the Code of Conduct for Responsible Fisheries and stressed that rehabilitation efforts, including transfer of vessels, must proceed under the leadership and control of the affected nations and must ensure that the fishing capacity that is being rebuilt is commensurate with the productive capacity of the fisheries resources and their sustainable utilization;

49. *Urges* States to eliminate subsidies that contribute to illegal, unreported and unregulated fishing and to fishing overcapacity, while completing the efforts undertaken at the World Trade Organization in accordance with the Doha Declaration to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector, including small-scale and artisanal fisheries and aquaculture, to developing countries;

VI. Large-scale pelagic drift-net fishing

50. *Reaffirms* the importance it attaches to continued compliance with its resolution 46/215 and other subsequent resolutions on large-scale pelagic drift-net fishing, and urges States and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement to enforce fully the measures recommended in those resolutions;

VII. Fisheries by-catch and discards

51. *Urges* States, regional and subregional fisheries management organizations and arrangements and other relevant international organizations that have not done so to take action to reduce or eliminate by-catch, catch by lost or abandoned gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and relevant international instruments, including the Code, and in particular to consider measures including, as appropriate, technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries, the establishment of mechanisms for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring confidentiality of such information, and support for studies and research that will reduce or eliminate by-catch of juvenile fish;

52. *Encourages* States and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement to give due consideration to participation, as appropriate, in regional and subregional instruments and organizations with mandates to conserve non-target species taken incidentally in fishing operations;

53. *Requests* States and regional fisheries management organizations and arrangements to urgently implement, as appropriate, the measures recommended in the Food and Agriculture Organization of the United Nations Guidelines to Reduce

Sea Turtle Mortality in Fishing Operations and the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries in order to prevent the decline of sea turtles and seabird populations by reducing by-catch and increasing post-release survival in their fisheries, including through research and development of gear and bait alternatives, promoting the use of available by-catch mitigation technology, and promotion and strengthening of data collection programmes to obtain standardized information to develop reliable estimates of the by-catch of those species;

VIII. Subregional and regional cooperation

54. *Urges* coastal States and States fishing on the high seas, in accordance with the Convention and the Agreement, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, to ensure the effective conservation and management of such stocks;

55. *Urges* States fishing for straddling fish stocks and highly migratory fish stocks on the high seas, and relevant coastal States, where a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for such stocks, to give effect to their duty to cooperate by becoming members of such organization or participants in such an arrangement, or by agreeing to apply the conservation and management measures established by such an organization or arrangement;

56. *Invites*, in this regard, subregional and regional fisheries management organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participants in such arrangements, in accordance with the Convention and the Agreement;

57. *Encourages* relevant coastal States and States fishing on the high seas for a straddling fish stock or a highly migratory fish stock, where there is no subregional or regional fisheries management organization or arrangement to establish conservation and management measures for such stock, to cooperate to establish such an organization or enter into another appropriate arrangement to ensure the conservation and management of such stocks, and to participate in the work of the organization or arrangement;

58. *Welcomes and urges* further efforts by regional fisheries management organizations and arrangements, as a matter of priority, to strengthen and modernize their mandates to include an ecosystem approach to fisheries management and biodiversity considerations, where those aspects are lacking, to ensure that they effectively contribute to long term conservation and management of marine living resources;

59. *Urges* regional fisheries management organizations and arrangements to ensure that their decision-making processes rely on the best scientific information available, incorporate the precautionary approach, develop criteria for allocation which reflects, where appropriate, the relevant provisions of the Agreement, and strengthen integration, coordination and cooperation with other relevant fisheries organizations, regional seas arrangements and other relevant international organizations;

60. *Encourages* States through their participation in regional fisheries management organizations and arrangements to initiate processes for their performance review, and welcomes the work of the Food and Agriculture Organization of the United Nations in the development of general objective criteria for such reviews;

61. *Calls upon* States, individually and through regional fisheries management organizations or arrangements, to strengthen or establish, consistent with national and international law, positive or negative lists of vessels fishing within the areas covered by relevant regional fisheries management organizations and arrangements in order to verify compliance with conservation and management measures and identify products from illegal, unreported and unregulated catches, including, where possible, establishing tracking and verification mechanisms to do so, and encourages improved coordination among all parties and regional fisheries management organizations and arrangements to share and use this information;

62. *Encourages* the establishment of regional guidelines for States to use in establishing sanctions, for non-compliance by vessels flying their flag and by their nationals, that are adequate in severity to effectively secure compliance, deter further violations and deprive offenders of the benefits deriving from their illegal activities;

IX. Responsible fisheries in the marine ecosystem

63. *Encourages* States to apply by 2010 the ecosystem approach, notes the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem and decision VII/11 and other relevant decisions of the Conference of the Parties to the Convention on Biological Diversity, notes the work of the Food and Agriculture Organization of the United Nations related to guidelines for the implementation of the ecosystem approach to fisheries management, and also notes the importance to this approach of relevant provisions of the Agreement and the Code;

64. *Encourages* enhanced science for conservation and management measures that incorporate and strengthen, in accordance with international law, the precautionary approach and consideration of ecosystem approaches to fisheries management, including through implementation of the Food and Agriculture Organization of the United Nations International Strategy for Improving Information on Status and Trends of Capture Fisheries, and a greater reliance on scientific advice in adopting such measures;

65. *Calls upon* States and regional fisheries management organizations and arrangements to collect and, where appropriate, report to the Food and Agriculture Organization of the United Nations more timely and comprehensive catch and effort data, including for straddling fish stocks and highly migratory fish stocks within and beyond areas under national jurisdiction, discrete high seas stocks and by-catch and discards;

66. *Encourages* States, individually or through regional fisheries management organizations and arrangements and other relevant international organizations, to work to ensure that fisheries and other ecosystem data collection is performed in a coordinated and integrated manner, facilitating incorporation into global observation initiatives, where appropriate;

67. *Also encourages* States to increase scientific research in accordance with international law on the marine ecosystem;

68. *Calls upon* States, the Food and Agriculture Organization of the United Nations and other specialized agencies of the United Nations, subregional and regional fisheries management organizations and arrangements, where appropriate, and other appropriate intergovernmental bodies, to cooperate in achieving sustainable aquaculture, including through information exchange, developing equivalent standards on such issues as aquatic animal health and human health and safety concerns, assessing the potential positive and negative impacts of aquaculture, including socio-economics, on the marine and coastal environment, including biodiversity, and adopting relevant methods and techniques to minimize and mitigate adverse effects;

69. *Reaffirms* the importance it attaches to paragraphs 66 to 71 of its resolution 59/25 concerning the impacts of fishing on vulnerable marine ecosystems and urges accelerated progress by States and regional fisheries management organizations and arrangements on implementing these elements of the resolution;

70. *Requests* regional fisheries management organizations and arrangements with the competence to regulate bottom fisheries to adopt, in accordance with paragraph 67 of resolution 59/25, and implement appropriate conservation and management measures, including spatial and temporal measures, to protect vulnerable marine ecosystems as a matter of urgency;

71. *Welcomes* progress made in the implementation of paragraphs 68 and 69 of resolution 59/25 calling for the expansion, where appropriate, of the competence of existing regional fisheries management organizations or arrangements to regulate bottom fisheries and the impacts of fishing on vulnerable marine ecosystems or for the establishment of new regional fisheries management organizations or arrangements with such competence to cover areas of the high seas where no such organization or arrangement currently exists;

72. *Calls upon* States to urgently accelerate their cooperation in establishing interim targeted protection mechanisms for vulnerable marine ecosystems in regions where they have an interest in the conservation and management of marine living resources;

73. *Requests* the Secretary-General, in cooperation with the Food and Agriculture Organization of the United Nations, to report to the General Assembly at its sixty-first session on the actions taken by States and regional fisheries management organizations and arrangements to give effect to paragraphs 66 to 69 of resolution 59/25, in order to facilitate the review referred to in paragraph 71 of resolution 59/25 of progress on action taken with a view to further recommendations, where necessary, in areas where arrangements are inadequate and further requests that an advance unedited version of the report be made available in accordance with past practice via the Division for Ocean Affairs and the Law of the Sea website as of 15 July 2006;

74. *Requests* States and regional fisheries management organizations and arrangements to submit detailed information to the Secretary-General in a timely manner on actions taken pursuant to paragraphs 66 to 69 of General Assembly resolution 59/25 to facilitate a comprehensive review of such actions;

75. *Encourages* progress to establish criteria on the objectives and management of marine protected areas for fisheries purposes and in this regard welcomes the proposed work of the Food and Agriculture Organization of the United Nations to develop technical guidelines in accordance with the Convention on the design, implementation and testing of marine protected areas for such purposes, and urges coordination and cooperation among all relevant international organizations and bodies;

76. *Notes* that 2005 marks the 10-year anniversary of the adoption of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, and urges all States to implement the Global Programme of Action and to accelerate activity to safeguard the marine ecosystem, including fish stocks, against pollution and physical degradation;

77. *Calls upon* States, the Food and Agriculture Organization of the United Nations, the International Maritime Organization, the United Nations Environment Programme, in particular its Regional Seas programme, regional and subregional fisheries management organizations and arrangements and other appropriate intergovernmental organizations that have not yet done so to take action to address the issue of lost or abandoned fishing gear and related marine debris, including through the collection of data on gear loss, economic costs to fisheries and other sectors, and the impact on marine ecosystems;

78. *Encourages* close cooperation and coordination, as appropriate, between States, relevant intergovernmental organizations, United Nations programmes and other bodies, such as the Food and Agriculture Organization of the United Nations, the International Maritime Organization, the United Nations Environment Programme, the Global Programme of Action, and regional seas arrangements, regional and subregional fisheries management organizations and arrangements and relevant stakeholders, including non-governmental organizations, to address the issue of lost and discarded fishing gear and related marine debris through initiatives such as the analysis of the implementation and effectiveness of the existing measures relevant to the control and management of derelict fishing gear and related marine debris, the development and implementation of targeted studies to determine the socio-economic, technical and other factors that influence the accidental loss and deliberate disposal of fishing gear at sea, the assessment and implementation of preventive measures, incentives and/or disincentives relating to the loss and disposal of fishing gear at sea, and the development of best management practices;

79. *Encourages* States, directly and through regional and subregional fisheries management organizations and arrangements, and in close cooperation and coordination with relevant stakeholders, to address the issue of lost and discarded fishing gear and related marine debris through initiatives including developing and implementing joint prevention and recovery programmes, establishing a clearing-house mechanism to facilitate the sharing of information between States on fishing net types and other fishing gear, the regular, long-term collection, collation and dissemination of information on derelict fishing gear, and national inventories of net types and other fishing gear as appropriate;

80. *Also encourages* States, the United Nations Environment Programme, the Global Programme of Action, the Food and Agriculture Organization of the United Nations, the International Maritime Organization, subregional and regional fisheries management organizations and arrangements and other relevant intergovernmental

organizations and programmes to consider the outcomes of the Asia-Pacific Economic Cooperation Education and Outreach Seminar on Derelict Fishing Gear and Related Marine Debris held in January 2004 and how they may be implemented;

81. *Further encourages* States to raise awareness within their fishing sector and subregional and regional fisheries management organizations and arrangements of the issue of derelict fishing gear and related marine debris and to identify options for action;

82. *Encourages* the Food and Agriculture Organization of the United Nations Committee on Fisheries to consider the issue of derelict fishing gear and related marine debris at its next meeting in 2007, and in particular the implementation of relevant provisions of the Food and Agriculture Organization of the United Nations Code of Conduct for Responsible Fisheries;

X. Capacity-building

83. *Reiterates* the crucial importance of cooperation by States directly or, as appropriate, through the relevant regional and subregional organizations, and by other international organizations, including the Food and Agriculture Organization of the United Nations through its FishCode programme, including through financial and/or technical assistance, in accordance with the Agreement, the Compliance Agreement, the Code and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the International Plan of Action for the Conservation and Management of Sharks, to increase the capacity of developing States to achieve the goals and implement the actions called for in the present resolution;

84. *Welcomes* the work of the Food and Agriculture Organization of the United Nations in developing guidance on the strategies and measures required for the creation of an enabling environment for small-scale fisheries, including the development of a code of conduct and guidelines for enhancing the contribution of small-scale fisheries to poverty alleviation and food security that include adequate provisions with regard to financial measures and capacity-building, including transfer of technology; and encourages studies for creating possible alternative livelihoods for coastal communities;

85. *Encourages* increased capacity-building and technical assistance by States, international financial institutions and relevant intergovernmental organizations and bodies for fishers, in particular small-scale fishers, in developing countries, and in particular small island developing States, consistent with environmental sustainability;

86. *Encourages* the international community to enhance the opportunities for sustainable development in developing countries, in particular the least developed countries, small island developing States and coastal African States, by encouraging greater participation of those States in authorized fisheries activities being undertaken within areas under their national jurisdiction, in accordance with the Convention, by distant-water fishing nations in order to achieve better economic returns for developing countries from their fisheries resources within areas under their national jurisdiction and an enhanced role in regional fisheries management, as well as by enhancing the ability of developing countries to develop their own fisheries, as well as to participate in high seas fisheries, including access to such

fisheries, in conformity with international law, in particular the Convention and the Agreement;

87. *Requests* distant-water fishing nations, when negotiating access agreements and arrangements with developing coastal States, to do so on an equitable and sustainable basis, including by giving greater attention to fish processing, including fish processing facilities, within the national jurisdiction of the developing coastal State to assist the realization of the benefits from the development of fisheries resources;

88. *Encourages* greater assistance for developing States in designing, establishing and implementing relevant agreements, instruments and tools for the conservation and sustainable management of fish stocks, including the enhancement of research and scientific capabilities through existing funds, such as the Assistance Fund under Part VII of the Agreement, bilateral assistance, regional fisheries management organizations and arrangements assistance funds, the Food and Agriculture Organization of the United Nations FishCode Programme, the World Bank's global programme on fisheries and the Global Environment Facility;

XI. Cooperation within the United Nations system

89. *Requests* the relevant parts of the United Nations system, international financial institutions and donor agencies to support increased enforcement and compliance capabilities for regional fisheries management organizations and their member States;

90. *Invites* the Food and Agriculture Organization of the United Nations to continue its cooperative arrangements with United Nations agencies on the implementation of the international plans of action and to report to the Secretary-General, for inclusion in his annual report on sustainable fisheries, on priorities for cooperation and coordination in this work;

91. *Invites* the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, the Food and Agriculture Organization of the United Nations and other relevant bodies of the United Nations system to consult and cooperate in the preparation of questionnaires designed to collect information on sustainable fisheries, in order to avoid duplication;

XII. Sixty-first session of the General Assembly

92. *Requests* the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the present resolution;

93. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-second session a report on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture

Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and consisting, inter alia, of elements provided in relevant paragraphs in the present resolution;

94. *Decides* to include in the provisional agenda of its sixty-first session, under the item entitled "Oceans and the law of the sea", the sub-item entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments".